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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 TATYANA LYSYY, et al.,

11 Plaintiffs,

12 v.

13 DEUTSCHE BANK NATIONAL
14 TRUST COMPANY, et al.,

15 Defendants.

CASE NO. C24-0062JLR

ORDER

16 Before the court is *pro se* Plaintiffs Tatyana Lysyy and Vasiliy Lysyy's
17 ("Plaintiffs") October 31, 2024 motion for relief from the \$4,500.00 sanction the court
18 imposed as a consequence of their failure to appear for a scheduled deposition. (Mot.
19 (Dkt. # 84); *see* 9/25/24 Order (Dkt. # 83).) Defendants Deutsche Bank National Trust
20 Company, as Trustee, on behalf of the holders of the Impac Secured Assets Corp.
21 Mortgage Pass-Through Certificates Series 2007-1; Select Portfolio Servicing, Inc.;
22 Safeguard Properties, LLC; and Residential RealEstate, Inc. (together, "Defendants")

1 oppose the motion. (Resp. (Dkt. # 85).) The court has considered the parties'
2 submissions, the relevant portions of the record, and the governing law. Being fully
3 advised, the court GRANTS in part Plaintiffs' motion.

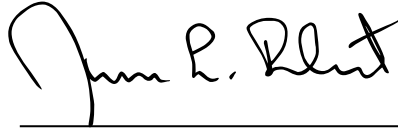
4 On September 25, 2024, the court ordered Plaintiffs to pay Defendants \$4,500.00
5 in attorneys' fees and costs Defendants incurred as a sanction for Plaintiffs' failure to
6 appear at their July 2024 depositions. (9/25/24 Order at 6-7.) The court set October 31,
7 2024, as the deadline for Plaintiffs to make that payment. (*Id.* at 7.) Rather than pay the
8 sanction on October 31, Plaintiffs filed this motion for relief, in which they assert that
9 they are unable to pay the sanction because they are experiencing financial hardship.
10 (Mot. at 1-2.) Plaintiffs did not, however, provide sworn affidavits corroborating this
11 assertion. (*See id.*)

12 The court concluded that it could not resolve Plaintiffs' motion without additional
13 information about their financial circumstances. (11/22/24 Order (Dkt. # 87).)
14 Accordingly, on November 22, 2024, it ordered Plaintiffs to complete and file, by no later
15 than December 9, 2024, the sworn declaration regarding finances included in this
16 District's form application to proceed *in forma pauperis*. (*Id.* at 3.) Plaintiffs timely filed
17 the declaration. (Decl. (Dkt. # 91).)

18 Having reviewed Plaintiffs' declaration, the court GRANTS in part Plaintiffs'
19 motion for relief (Dkt. # 84). The court declines to reduce the amount of the sanction or
20 to reconsider its sanction order. It will, however, include the sanction in the final
21 judgment rather than set an earlier deadline for payment. If Plaintiffs are ultimately
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1 awarded damages in this case, the court will offset the damages award by the \$4,500.00
2 sanction amount. (*See id.* at 2 (so proposing).)

3 Dated this 11th day of December, 2024.

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6 JAMES L. ROBART
United States District Judge